

No. 685-ASOIII-Lab-59/2956.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Faridabad, in respect of the dispute between the workmen and management of M/s Rohtak General Transport Co. Private Ltd., Rohtak:

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

REFERENCE No. 76 OF 1968

between

Shri Rulia Ram, workman and the management of M/s Rohtak General Transport Co. (P) Ltd., Rohtak.

Present.—

Shri S.N. Vats, for the workman.

Nemo, for the management.

AWARD

Shri Rulia Ram was serving as a Driver in M/s Rohtak General Transport Co. (P) Ltd., Rohtak. His services were terminated and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication. — *vide Government Gazette Notification No. ID/RK/89B/68/22413, dated 2nd September, 1968*:

Whether the termination of services of Shri Rulia Ram, Driver was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. It was pleaded on behalf of the management that the claimant Shri Rulia Ram was employed purely on temporary basis and he was put on duty for relieving the regular staff and that he never worked as a regular driver. Accordingly the following issues were framed:

1. Whether the claimant was in service purely on temporary basis for the purpose of relieving the regular staff and was not in regular staff?
2. If the above issue is found in favour of the workman, whether the termination of his services was justified and in order? If not, to what relief he is entitled?

On the date fixed for evidence, no body appeared on behalf of the management. The *ex-parte* evidence of the workman was recorded. The workman appeared as his own witness and has stated that he joined the respondent concern about 5 or 6 years back as a Driver and he was getting Rs 140 P.M. He states that his services were terminated in the month of June, 1968 on the ground that he was a member of the union and the management did not want to keep him in service. The workman states that he was not given any order in writing when his services were terminated nor any notice to show cause was given to him. He states that he was in regular employment and he was not appointed on relieving duty.

Since the management have not cared to produce any evidence in support of their case the workman was appointed on purely temporary basis for the purpose of relieving the regular staff, there is no reason to disbelieve the sworn testimony of the workman that he was in the regular service of the management for about 5 or 6 years and his services were terminated without giving him any opportunity to show cause. In view of the testimony of the workman it must be held that the termination of his services was not justified and in order. He is entitled to be reinstated with continuity of service and full back wages.

Dated 21st January, 1969.

P. N. THUKRAL,

Presiding Officer,
Labour Court,
Faridabad.

No. 144, dated the 23rd January, 1969.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 21st January, 1969

P. N. THUKRAL,

Presiding Officer,
Labour Court,
Faridabad.